

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 103
 (H) Publish Date: 3/4/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act requiring an actionable claim against RDU CIVIL
the state to be tried without a jury." Component Torts & Workers' Compensation,
 Sponsor Representative Kelly Labor & State Affairs
 Requester House State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)
Travel	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)
Contractual	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)
Supplies	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)
Equipment	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	(*****)	(*****)	(*****)	(*****)	(*****)	(*****)

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds a new subsection under AS 09.50.250 requiring that actionable claims against the state falling under this statute be tried by a court without a jury.

Caveat: Although the state conducts approximately 5 to 10 jury trials per year, the number of actual jury trials only reveals part of the picture. Statistically, the greatest group of civil cases for damages (not just cases filed against the state) are worked extensively through motion and pretrial practice, and then settled after much of the motion and pretrial work has been completed (greater than 92% is the figure often quoted for cases settled, rather than tried). It is anticipated that HB 103 would effect not only the number of cases that are actually tried, but also result in savings in a much greater group of cases during the pretrial phase of litigation.

Prepared by: Kathryn Daughhetee, Director Phone 465-3673
 Division Administrative Services Division Date/Time 3/2/05 4:30 PM
 Approved by: K. Daughhetee for Scott Nordstrand, Attorney General Date 3/2/2005
 Agency Department of Law

FISCAL NOTE #2

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BILL NO. HB 103

ANALYSIS CONTINUATION

Indeterminate savings to the state should result because of the following factors:

1. Cases may resolve without trial because there is more predictability of anticipated results with a court trial;
2. If the case is a court trial rather than a jury trial, the length of jury trials should be shortened by an average of two days because there would be no jury selection, no jury instructions, and some witnesses or evidence may not need to be produced at trial;
3. If the case is tried by the court rather than a jury there would be less pretrial preparation time and expense. For example, the parties will not need to draft instructions, draft jury voir dire or jury questionnaires, and they may not generate evidentiary motions.
4. In cases where summary judgment is currently precluded because there are genuine issues of material fact, the judge could do abbreviated, summary trials limited to the contested issues of fact that are relevant to the summary judgment motion.
5. It is also anticipated that some number of cases that are currently settled may be tried by a court because of the greater predictability in a court trial.